

FEB-25-2004 WED 05:39 PM BOZICEVIC

FAX NO. 650 327 3231

P. 01

AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P. O. Box 7599
Loveland, Colorado 80537-0599

1743 /
PATENT APPLICATION

ATTORNEY DOCKET NO. 10003812-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): William D. Fisher

Serial No.: 09/771,092

Examiner: Gordon, Brian R.

Filing Date: 01/26/2001

Group Art Unit: 1743

Title: Fluid Drop Dispensing

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COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

OFFICIAL

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- () Response/Amendment () Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee (Address envelope to "Mail stop Non-Fee Amendments")
(X) Other: Interview Summary (See \$ _____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$18	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$980.00	4TH MONTH \$1430.00		\$ 0
OTHER FEES						\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 50-1078 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below. (703) 872-9306

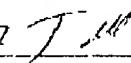
Date of Facsimile: 02/25/2004

Typed Name: Martha C. Stewarts

Signature: 

Respectfully submitted,

William D. Fisher

By 

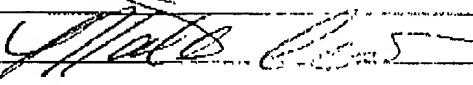
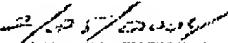
Susan Tall for Gordon Stewart

Attorney/Agent for Applicant(s)
Reg. No. 52,272

Date: 02/25/2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile filed under 37 C.F.R. §§ 1.6(d) and 1.8(a)(1)(b) addressed to:
P.O. Box 1450 Alexandria VA 22313-1450 on this date: February 25, 2004 Facsimile No.: (703) 672-9306

Typed or Printed Name	Martha Cisneros
Signature	
	Date 

INTERVIEW SUMMARY Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	10003512-1
	First Named Inventor	Fisher, William D.
	Confirmation Number	7692
	Application Number	09/771,092
	Filing Date	January 26, 2001
	Group Art Unit	1743
	Examiner Name	Gordon, Brian R.
	Title	Fluid Drop Dispensing

Dear Sir:

This Interview Summary sets forth the substance of a telephonic interview held between Examiner Brian Gordon and Applicants' representative Susan Tall on December 18, 2003. Also in attendance were Examiner Jill Warden and Applicants' representative Bret Field.

Examiner Gordon and Ms. Tall discussed the Kutami et al. reference. Specifically, Ms. Tall explained to Examiner Gordon that the external pressure applying mechanism of the device of Kutami et al. was a substitute for an internal ejector, such as the thermal resistor element shown in the prior art device of FIGS. 3A-3E. As such, it was explained to Examiner Gordon that there is no motivation to modify Kutami et al. to have both an ejector in the chamber and an external pressure applying mechanism in the same device. Examiner Gordon agreed that there is no motivation to modify the Kutami et al. device to include an internal ejector because the pressure applying mechanism of the Kutami et al. device is a substitute for an internal ejector. Examiner Gordon indicated that the rejection of Claims 1-12, 27-30 and 35-40 under 35 U.S.C. § 103(a) based on this reference would be withdrawn in view of this discussion and that the case would be in form for allowance.

Applicants note that a response to the final Office Action was filed by Applicants by facsimile on December 18, 2003. In this response, Applicants noted the agreement reached between Examiner Gordon and Ms. Tall that that there is no motivation to modify the Kutami et al. device to include an internal ejector because the pressure applying mechanism is a substitute for an internal ejector and as such there is no motivation to have both an ejector in the chamber and an external pressure applying

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mechanism. Accordingly, Applicants noted that agreement was reached that the rejection of Claims 1-12, 27-30 and 35-40 under 35 U.S.C. § 103(a) as being unpatentable over Kutami et al. (US 6,132,035) would be withdrawn. The only claim amendments set forth in this response were to amend defendant claims 35 and 36 to further clarify the term "improves" in order to overcome a rejection under 35 U.S.C. § 112, second paragraph.

Since agreement was reached between Examiner Gordon and Ms. Tall that the rejection of Claims 1-12, 27-30 and 35-40 under 35 U.S.C. § 103(a) would be withdrawn and Claims 35 and 36 have been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, Applicants respectfully request reconsideration and allowance of the claims.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 2/27/04

By: 

Susan Tall
Registration No. 52,272

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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